

SENATE BILL 588
By Gilbert

AN ACT relative to authorizing a registry of group homes by local government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act, unless the context otherwise requires:

(1) "Group home" means a residential home licensed or funded, in whole or in part, by the state of Tennessee and operated to provide twenty-four (24) hour full-time residential care or supervision for individuals living outside their own homes. This definition does not apply to institutions which provide twenty-four (24) hour residential care operated by or under contract with the state department of education nor to facilities operated by or under contract with the department of correction.

(2) "Person" means any individual, society, agency, corporation, institution or group which operates or provides twenty-four (24) hour full-time residential care or supervision in a group home.

(3) "Planning commission" means a regional or municipal planning commission.

SECTION 2. (a) Each planning commission is authorized by resolution to create a registry of group homes for group homes located within its jurisdiction. If a municipal planning commission has regional planning authority, such planning commission shall identify on the registry those group homes which are located within the boundaries of the municipality and those which are located in its jurisdiction outside the boundaries of the municipality.

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(b) Upon adoption of such resolution, each person operating a group home shall be required to register its group home or homes located within the jurisdiction of such planning commission in accordance with the requirements established by the planning commission. The planning commission is authorized to establish a procedure for the registration of group homes; to develop a registration form; to adopt a schedule for filing registrations and the renewal of registrations; to impose a registration fee or a renewal fee in an amount sufficient to defray the costs of maintaining the registry; to impose a delinquent fee for late registrations; and to impose a reasonable fee for providing copies of the registry or parts thereof. The registration form shall include, but is not limited to, the address of the facility, state licensing information, the name and address of its owner and/or operator if different from the owner, and the maximum number of residents for which the facility is licensed by the state. The registry once established shall be a public record and open for inspection during regular business hours.

(c) If a planning commission maintains an office which is open during regular business hours, the registry shall be maintained at such office. If a planning commission does not maintain such an office, the chairman of the planning commission and the chief administrative officer of the county or municipality, as appropriate, for the jurisdiction of the planning commission shall mutually agree upon an office location within the municipality or county where the registry shall be maintained.

SECTION 3. Failure to comply with the registration requirements established by the planning commission shall subject the person to loss of state funds as well as revocation of the license of each group home which a person fails to register.

SECTION 4. Each state department which licenses group homes, shall advise its licensees that a registration may be required in the municipality or county where the home is located. Such information shall be provided at the time of licensure, or renewal thereof, of a group home.

SECTION 5. If a determination is made by a planning commission that any person operating a group home has failed to register a home in accordance with its resolution, such planning commission shall notify the department of state government which has issued the license for such group home. The commissioner of such department shall then notify the person who failed to comply with the registration requirements that an informal hearing will be held to determine whether the person has failed to register a group home as required by the planning commission. The sole issue to be determined at the hearing is whether a person has failed to so register a group home. The penalty for failure to register a group home may include loss of state funds or revocation of the license of the group home, or both, in the discretion of the commissioner. All hearings shall be held in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5.

SECTION 6. The provisions of this act shall only apply in those counties having a population in excess of two hundred fifty thousand (250,000), according to the 1990 federal census or any subsequent federal census.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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